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24301 SOUTHLAND DR.
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HAYWARD CA 94545

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| In re Application of | : | |
| ANDERSON, Richard, Park | : | |
| Application No.: 10/520,269 | : | DECISION |
| PCT No.: PCT/US2003/034021 | : | |
| Int. Filing Date: 24 October 2003 | : | |
| Priority Date: 25 October 2002 | : | |
| Attorney's Docket No.: ANDE0001 | : | |
| For: OWNER-BROKERED KNOWLEDGE | : | |
| SHARING MACHINE | : | |

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 02 July 2007. The submission includes a submission under 37 CFR 1.251(a) and a petition under 37 CFR 1.182.

BACKGROUND

In December 2004, applicant filed a transmittal letter for entry into the national stage in the United States. The transmittal letter requested that the application papers be processed as the national stage application of international application PCT/US2003/034201.

On 28 September 2006, applicant filed a petition under 37 CFR 1.182. The petition requested that the present application be treated as the national stage application of international application PCT/US2003/034021 rather than international application PCT/US2003/034201.

On 25 June 2007, a decision was mailed dismissing applicant's petition under 37 CFR 1.182 because the petition fee had not been paid. The decision also indicated that the electronic application file includes only the submission filed 28 September 2006 and the paper file including all papers filed before that date was not located after a reasonable search. Accordingly, applicant was given two months to file a submission in compliance with 37 CFR 1.251(a)(1), (a)(2), or (a)(3).

On 02 July 2007, applicant filed the instant submission which included a submission under 37 CFR 1.251(a)(1) and a renewed petition under 37 CFR 1.182.

DISCUSSION

Submission Under 37 CFR 1.251(a)

The submission filed 02 July 2007 is in compliance with 37 CFR 1.251(a)(1). Additionally, applicant has provided sufficient evidence to establish that on 30 December 2004, applicant filed application papers including a Transmittal Letter for entry into the national stage in the United States (From PTO-1390), a marked-up version of the specification and claims, a clean version of the amendments to the specification and claims, and a declaration of the inventor. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 30 December 2004 and a USPTO stamp showing US application number 10/520,269. Practitioner states that the copy of the above-identified items filed 02 July 2007 are true copies of the items originally filed 30 December 2004.

The declaration of inventors filed 30 December 2004 is in compliance with 37 CFR 1.497(a)-(b).

Petition Under 37 CFR 1.182

The petition fee has been paid. A review of the application file including counsel's statements in the submission filed 28 September 2006, as well as a review of the international publication of PCT/US03/34201, reveals that the indication of international application PCT/US2003/34201 was incorrect, and that the present application should in fact be the national stage application of international application PCT/US03/34021.

CONCLUSION

For the reasons set forth above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including processing the application papers filed 30 December 2004 as the national stage of international application PCT/US03/34021.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459